



September 12, 2006

Mr. Scott Hansen
Remedial Response Branch, Region 5
U.S. EPA (SR-6J)
77 West Jackson Boulevard
Chicago, IL 60604

**RE: Request for Ashland/Northern States Power Lakefront Superfund Site
RI/FS Schedule Modification**

Dear Mr. Hansen:

In accordance with Paragraphs 78 and 79 of the Administrative Order on Consent (AOC) (CERCLA Docket No. V-W-04-C-764), Northern States Power (d.b.a. Xcel Energy) is requesting a modification to the Ashland/Northern States Power Lakefront Superfund Site RI/FS schedule. **The proposed schedule modification is necessary to allow an orderly resolution of comments to the RI documents, but will have only a minimal impact on the schedule for completion of the FS.**

This request is made for the following reasons:

1). Need for time to respond to and resolve technical comments.

The approved RI/FS Work Plan neglected to allow for a period of time to resolve technical comments to the drafts for the Human Health Risk Assessment, the Sediment Stability Assessment, the Baseline Ecological Risk Assessment and the Remedial Investigation (collectively "RI reports") prior to revisions of those reports being due. The original schedule provided for just 30 days after receipt of technical comments to submit revisions of these reports. In retrospect, there should have been time allowed in this schedule to resolve technical issues before these reports could be revised and submitted. Unless all technical issues are resolved prior to submitting revised RI reports, it is likely an additional round of review, comment and revision will be required.

2). The technical comments were more extensive than anticipated.

While there are many worthwhile and valid comments to these reports, a number of the comments 1) address issues that NSPW believed were already resolved, 2) are redundant, and/or 3) are technically confounding.

Instead of attempting to revise and resubmit the various RI reports, it would be more productive to submit responses to comments and then meet with USEPA, the WDNR, and other commenters to discuss whatever technical issues can not be resolved through the response process. NSPW suggests a meeting similar to that held in September 2004 to

resolve the original draft RI/FS work plan would be a productive means to resolving any technical issues. If necessary a facilitator or other technical experts could participate in this meeting. Following that meeting and resolution of any outstanding technical issues, the various RI reports would be revised and submitted within 30 days.

3). Need for “treatability studies”.

In accordance with Task 6 of the Scope of Work (SOW) appending the AOC, NSPW plans to submit a Candidate Technologies and Testing Needs Technical Memorandum (Treatability Studies Memo). The Treatability Studies Memo will propose a variety of testing required to complete the Alternatives Screening Technical Memorandum (as discussed in Task 5 of the SOW) and Detailed Analysis of Alternatives (Task 7 of the SOW).¹ NSPW plans on submitting the Treatability Studies Memo to USEPA by September 22, 2006. This memo will identify with specificity and provide justification for the testing NSPW considers necessary and will include a schedule for conducting the testing.

At present the critical path for completion of the FS is completion of the SITE demonstration project. Based upon our most recent discussions, the SITE demonstration project is expected to be completed by the end of May 2007. NSPW estimates that it may take up to 90 days after the data from the SITE project are available to prepare a final project report (subject to the final Sampling and Analysis Plan (SAP) currently being prepared by Tetra Tech, USEPA’s SITE contractor). Thus, estimated completion for the SITE project is approximately the end of August 2007. The treatability testing being proposed by NSPW, if approved expeditiously, can be conducted concurrently with the SITE project, thereby minimizing impacts on the FS schedule.

The majority of the testing that will be proposed in the Treatability Studies Memo can be conducted over a time period of three to four months. However, two of the tests require a longer time or are needed to complete the Alternatives Screening Technical Memorandum in a timely manner. As such, the Treatability Studies Memo submitted to USEPA on September 22, 2006 will include a Work Plan for these two tests; accordingly, NSPW requests an early approval so that sediment can be collected by the end of October 2006. One of these tests will evaluate the potential for VOC emissions from sediments during dredging and is essential for screening this technology option for sediment. The remaining treatability studies being proposed require less time to conduct and sediment needed for these studies can be collected through the ice this winter. This will allow more time for agency review of the Work Plans and SAPs for these remaining proposed treatability studies.

The revisions to the RI/FS schedule proposed by NSPW include:

- 1) Submission of responses to all of the RI reports comments by October 31, 2006.
- 2) Completion of the RI and associated reports and revision of the RAO Technical Memorandum within 30 days of resolving all technical issues. For purposes of this request it has been assumed that there will be a meeting to resolve outstanding technical issues in mid-November.

¹ As indicated on page 23 of the SOW, “*If the Respondent has not sufficiently demonstrated practical candidate technologies, or if such technologies cannot be adequately evaluated for this Site on the basis of the available information, the Respondent shall conduct treatability testing.*”

- 3) Submission of the Treatability Studies Memo and Work Plans and SAPs for two time sensitive treatability tests by September 22, 2006. If necessary, a conference call or meeting could be held near the first of October to resolve any questions or issues for the Work Plans and SAPs for the time sensitive testing to avoid ice interference during sampling activities this fall.
- 4) Collection of sediment for time sensitive treatability studies by mid October 2006.
- 5) Submission of Work Plans and SAPs for remaining treatability studies within 30 days after USEPA approves NSPW's proposed scope of treatability studies. For purposes of this request it has been assumed that there will be approval by early January 2007.
- 6) Completion of Alternatives Screening Technical Memorandum within 30 days of completion of Treatability Test on VOC emissions. For purposes of this request it has been assumed that this treatability study will be completed by February 12, 2007 and the Alternatives Screening Technical Memorandum will be submitted by March 14, 2007.
- 7) Completion of SITE project by May 31, 2007 and submission of SITE project reports by August 31, 2007 (adjusted per Tetra Tech's final SAP as necessary).
- 8) Collection of sediment for remaining treatability studies in early February 2007.
- 9) Completion of remaining treatability studies by July 25, 2007 and treatability study reports by September 23, 2007.
- 10) Completion of Draft FS report by November 17, 2007. This is within a month of the schedule approved in the RI/FS Work Plan.

These milestones are shown in the enclosed schedule. NSPW will make every effort to maintain this schedule but cautions that events beyond its control may result in requests for further modifications to the schedule. Such events may include delay in completion of the SITE program, additional time to complete some of the treatability tasks, or extended agency review periods.

If you have any questions, please contact me at 612-330-2928.

Sincerely,



Jerry Winslow
Principal Environmental Engineer

Enclosure

cc: Jamie Dunn, WDNR
Rae Ann Maday, Bad River Band of Lake Superior Chippewa
Melonee Montano, Red Cliff Band of Lake Superior Chippewa



